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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 07-00682 SBA |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER CONTINUING STATUS |
| v. |) | CONFERENCE AND EXCLUDING TIME |
| |) | |
| TYRONE JOSEPH POLLARD, |) | |
| |) | OAKLAND VENUE |
| Defendant. |) | |

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, January 29, 2008.

2. The parties request that this hearing be continued until 9 a.m. on Tuesday, February 26, 2008, in order to provide defendant's counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter.

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

3. Specifically, defendant's counsel needs the continuance in order to obtain and review electronic and/or hard copies of police dispatch recordings related to the arrest of defendant by the Oakland Police Department, to further review the evidence in this case, to review and analyze the discovery materials produced, investigate the case, and develop a motions and/or trial strategy in light of that discovery. The parties believe that failure to grant the above-requested continuance would deny defendant's counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: January 25, 2008

/s/
GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

Dated: January 25, 2008

/s/
JOHN PAUL REICHMUTH
Attorney for Defendant
Tyrone Joseph Pollard

[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, THE COURT ADOPTS THE FINDINGS OF FACT AND CONCLUSIONS OF LAW STIPULATED TO BY THE PARTIES. THEREFORE, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled January 29, 2008, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on February 26, 2008.

2. The time period from January 29, 2008, to February 26, 2008, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv) because it results from a continuance

1 granted by the Court at the defendants' request and on the basis of the Court's finding that the
2 ends of justice served by taking such action outweigh the best interest of the public and the
3 defendant in a speedy trial and because failure to grant the continuance would unreasonably deny
4 defense counsel the time necessary for effective preparation for trial, taking into account due
5 diligence. The Court finds that nothing in this stipulation and order shall preclude a finding that
6 other provisions of the Speedy Trial Act dictate that additional time periods are excludable from
7 the period within which trial must commence.

8
9 DATED: _____

HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE